

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Daiji IDO, et al. Conf. No. 6866
Appln. No.: 10/588,312 Art Unit 2617
Filed: August 3, 2006 Exr. M. Mapa
For: TERMINAL APPARATUS AND RECEIVED DATA DISPLAY METHOD

RESPONSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 4, 2009, the Applicants respectfully request reconsideration and allowance of this application in light of the following remarks.

The present application has a foreign priority date of February 5, 2004, based on JP 2004-029624. A verified English translation of priority application JP 2004-029624 is attached. It is submitted that the foreign priority application supports the subject matter of all pending claims.

All pending rejections rely on US 2005/0113115 which has a 35 USC 102(e) date of November 1, 2004 and which is based on provisional application no. 60/516,351 having a filing date of October 31, 2003.

Thus, the present foreign priority date is earlier than the 35 USC 102(e) date but later than the date of the related provisional application.

Accordingly, the pending rejections may be deemed warranted only if provisional

application no. 60/516,351 contains subject matter that teaches or suggests the subject matter of the pending claims.

It is noted that Section 3 of the Office Action states (referring to US '115) that "Haberman discloses software for organizing and filtering informational content and displaying relevant information to the user and ordering the received broadcasts according to increasing transmitter proximities."

However, the Applicants respectfully note that provisional application no. 60/516,351 lacks any teaching or suggestion of this subject matter. Accordingly, provisional application no. 60/516,351 lacks any teaching or suggestion of *inter alia* the following subject matter of present claim 1:

"a data sort section that, based on said cell information contained in said distribution data received by said receiving section, and information of said area to which the station itself belongs, determines a priority of said distribution data, and arranges said distribution data in order starting with distribution data for which said priority is highest."

Accordingly, for at least the above reasons, it is submitted that claim 1 is directed to allowable subject matter.

Claim 12 is a counterpart method claim to apparatus claim 1 and is allowable for similar reasons that claim 1 is allowable.

The dependent claims are deemed to be allowable due to their dependence from allowable independent claims and also due to their recitation of subject matter that provides an independent basis for their individual allowability.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: February 4, 2009
JEL/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. 009289-06174
DICKINSON WRIGHT, PLLC
International Square
1875 Eye Street, NW
Suite 1200
Washington, D.C. 20006
Telephone: (202)-457-0160
Facsimile: (202)-659-1559
DC 9289-6174 131645v1